

July 12, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

AB 1947 (WASHINGTON) – PROPOSITION 36 PARTICIPANTS: ELIGIBILITY FOR PUBLIC ASSISTANCE (ITEM NO. 14, AGENDA OF JULY 16, 2002)

This memo is in response to your Board's request for additional information regarding Item No.14, a recommendation to support and amend AB 1947 (Washington). AB 1947 would permit those convicted of a felony and enrolled in a Proposition 36 drug treatment program to be eligible for aid under the California Work Opportunity and Responsibility to Kids (CalWORKs) program and for food stamps. The bill was included in a Board letter from this office seeking County positions on seven State measures and was continued from the Board meeting of July 2, 2002. The section of the Board letter on AB 1947 is attached.

In your Board's discussion of AB 1947, you specifically requested information regarding eligibility for Proposition 36, the number of Proposition 36 participants who would be eligible to receive CalWORKs and food stamps, whether the bill would result in increased County costs, if it would provide additional Medi-Cal dollars, the source of funding for AB 1947, the advantages resulting from implementation of the bill, and how previous related measures compare to AB 1947.

Eligibility for Proposition 36

Proposition 36, the "Substance Abuse and Crime Prevention Act of 2000," requires adult offenders who use or possess illegal drugs to receive drug treatment and supervision in the community, instead of State prison or county jail, or supervision in the community without treatment. The program does not include juveniles. Proposition 36 also limits eligibility to non-violent drug possession offenses and does not include sales.

It excludes some offenders such as those with prior violent felony convictions, those who refuse treatment, and those found by a court to be unamenable to treatment.

Participants

The Department of Health Services (DHS) indicates that there are currently 6,420 participants referred to or enrolled in Proposition 36 treatment programs. Of this population, 1,602 are likely to be parents potentially eligible for CalWORKs and food stamps under AB 1947.

County Cost

According to the Department of Public Social Services (DPSS), the maximum cost to place an adult on CalWORKs is \$212 per month. The County's share of this cost is 2.5 percent, resulting in a County cost per additional adult of \$5.30 per month. If all current Proposition 36 participants who are most likely to become eligible for CalWORKs under AB 1947 were enrolled, the County's cost would be approximately \$102,000 annually.

However, DPSS indicates that a substantial number of this population will actually be found ineligible for CalWORKs for a variety of reasons, including status as a non-qualified alien, income or assets which exceed eligibility limits, or because they are adults without children. According to DPSS, there would be no State or County cost for additional participants in the food stamp program, which is entirely Federally funded. The bill would have no effect on eligibility for County General Relief programs. Although the measure would not increase or affect availability of Medi-Cal funding, this population, which would be newly eligible for CalWORKs, would be likely to apply for Medi-Cal.

State Cost

Existing law continuously appropriates State funds to defray a portion of county costs under the CalWORKs program. AB 1947 specifies that the funding for those made eligible for CalWORKs under this bill would instead be subject to an annual appropriation by the Legislature. According to a recent Assembly Appropriations Committee staff report, State General Fund costs are likely to be between \$500,000 and \$1 million annually to provide CalWORKS benefits to those enrolled in Proposition 36 treatment programs.

Advantages of Implementation

AB 1947 provides access to transitional assistance programs, including employment services. According to proponents, lack of access to public assistance programs endangers the success of Proposition 36 by compounding the many difficulties already

faced by those in drug treatment. Providing families with transitional financial assistance will help to reunify families and keep them intact as participants seek to redirect their lives. Benefits are provided under AB 1947 only for the duration of participation in a Proposition 36 drug treatment program, which is limited to eighteen months. Proponents also indicate that AB 1947 would encourage participation in drug treatment, reduce recidivism, and contribute to the stability of families. Specific comments in support of the measure from affected County departments including the Department of Health Services, Department of Public Social Services, District Attorney, Probation, Public Defender and Sheriff are attached in an excerpt from the Board letter of July 2, 2002.

Previous Legislation

Previous measures addressing this issue were not linked to Proposition 36. They include SB 659 (C. Wright) of 1999, which was vetoed by the Governor. The bill would have made those convicted of the possession, use, sale, transportation and manufacture of controlled substances eligible for CalWORKs and food stamps. SB 1984 (C. Wright) of 2002, a narrower version of the bill which applied only to those convicted of possession or use of illegal drugs, failed passage in the Assembly. AB 767 (Goldberg) of 2001 was identical to SB 1984 and was vetoed by the Governor primarily on the basis of cost. AB 1947 is the only bill to link the receipt of public assistance to participation in a Proposition 36 drug treatment program, which significantly reduces the scope of the measure.

Status

AB 1947 passed the Senate Health and Human Services Committee on June 20, 2002 by a vote of 7 to 2, and is awaiting a hearing in the Senate Appropriations Committee.

DEJ:GK
MS:md

Attachment

c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Health Services
 Department of Public Social Services
 District Attorney
 Probation
 Public Defender
 Sheriff

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